

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

KENNETH E. ALSPAUGH,

Petitioner,

v.

SUPERIOR COURT OF CALIFORNIA, et  
al.,

Respondents.

No. 2:22-CV-0761-DMC

**ORDER**

Petitioner, who is proceeding pro se, brings this petition for a writ of habeas corpus. Pending before the Court are Petitioner's motions, ECF Nos. 2 and 4, for leave to utilize the Court's Electronic Case Filing (ECF) system and to receive electronic notice.

The Court finds that Petitioner has not at present demonstrated sufficient cause to grant an exception to the Court's local rule excepting pro se litigants from the requirement to file electronically via the ECF system. Under Eastern District of California Local Rule 133(a), filing in this Court is to be accomplished electronically via the ECF system. Local Rule 133(b)(2) provides an exception to this general rule for pro se litigants, who may not absent leave of court utilize the ECF system and, instead, must serve and receive documents by mail. Under Local Rule 133(b)(3) the Court may grant pro se litigants leave to utilize the ECF system upon "explanation for the reasons for the exception." Here, Petitioner's motions, which appear to have

1 been filed on Petitioner's behalf by an attorney who has not appeared in the action to represent  
2 Petitioner, argue that counsel should be permitted to file and receive documents electronically.  
3 See ECF Nos. 2 and 4. According to Petitioner's filings, it is unfair for one side to be permitted  
4 electronic filing and service but not the other side. See id. The Court finds this to be an  
5 insufficient explanation of reasons Petitioner cannot proceed by mail and must, instead, be  
6 permitted leave to access the ECF system. To the extent Petitioner experiences delay, the Court  
7 will, provide appropriate and reasonable accommodation. Petitioner's requests for leave to file  
8 electronically via ECF are denied.

9 IT IS SO ORDERED.

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11 Dated: September 14, 2022



12 DENNIS M. COTA  
13 UNITED STATES MAGISTRATE JUDGE  
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